

# FREST DOWNS

ಸಂಪಟ -೧೫೬ Volume - 156 *ಬೆಂಗಳೂರು*, ಬುಧವಾರ, ೩೧, ಮಾರ್ಚ್, ೨೦೨೧ (ಚೈತ್ರ, ೧೦, *ಶಕವರ್ಷ*, *೧೯*೪೩)

BENGALURU, WEDNESDAY, 31, MARCH, 2021 (Chaithra, 10, SHAKAVARSHA, 1943)

ಸಂಚಿಕೆ ೫೦ Issue 50

# ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 53 ಕೇಶಾಪ್ರ 2019

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021.

ದಿನಾಂಕ: 28.12.2019 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II–Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ORDINANCE, 2019 (NO.16 OF 2019) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.



असाधारण

### EXTRAORDINARY

भाग ॥—खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

सं॰ 76]

नई दिल्ली, शनिवार, दिसम्बर 28, 2019/ पौष 7, 1941 (शक)

No. 76] NEW DELHI, SATURDAY, DECEMBER 28, 2019/PAUSHA 7, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th December; 2019/Pausha 7, 1941 (Saka)

# THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ORDINANCE, 2019

No. 16 of 2019

Promulgated by the President in the Seventieth Year of the Republic of India.

An Ordinance further to amend the Insolvency and Bankruptcy Code, 2016.

WHEREAS a need was felt to give the highest priority in repayment to last mile funding to corporate debtors to prevent insolvency in case the company goes into corporate insolvency resolution process or liquidation, to provide immunity against prosecution of the corporate debtor, to prevent action against the property of such corporate debtor and the successful resolution applicant subject to fulfilment of certain conditions and to fill the critical gaps in the corporate insolvency framework, it has become necessary to amend certain provisions of the Insolvency and Bankruptcy Code, 2016;

AND WHEREAS the Insolvency and Bankruptcy Code (Second Amendment) Bill, 2019 has been introduced in the House of the People on the 12<sup>th</sup> day of December, 2019;

AND WHEREAS the aforesaid Bill could not be taken up for consideration and passing in the House of the People;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

# Short title and commencement,

- 1. (1) This Ordinance may be called the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2019.
  - (2) It shall come into force at once.

Amendment of section 5.

- 2. In section 5 of the Insolvency and Bankruptcy Code, 31 of 2016. 2016, (hereinafter referred to as the principal Act),—
  - (i) in clause (12), the proviso shall be omitted;
  - (ii) in clause (15), after the words "during the insolvency resolution process period" occurring at the end, the words "and such other debt as may be notified" shall be inserted.

Amendment of section 7.

3. In section 7 of the principal Act, in sub-section (1), before the *Explanation*, the following provisos shall be inserted, namely:—

"Provided that for the financial creditors, referred to in clauses (a) and (b) of sub-section (6A) of section 21, an application for initiating corporate insolvency resolution process against the corporate debtor shall be filed jointly by not less than one hundred of such creditors in the same class or not less than ten per cent. of the total number of such creditors in the same class, whichever is less:

Provided further that for financial creditors who are allottees under a real estate project, an application for initiating corporate insolvency resolution process against the corporate debtor shall be filed jointly by not less than one hundred of such allottees under the same real estate project or not less than ten per cent. of the total number of such allottees under the same real estate project, whichever is less:

Provided also that where an application for initiating the corporate insolvency resolution process against a corporate debtor has been filed by a financial creditor referred to in the first or second provisos and has not been admitted by the Adjudicating Authority before the commencement of the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2019, such application shall be modified to comply with the requirements of the first or second provisos as the case may be within thirty days of the commencement of the said Ordinance, failing which the application shall be deemed to be withdrawn before its admission."

4. In section 11 of the principal Act, the Explanation shall be numbered as Explanation 1 and after Explanation 1 as so re-numbered, the following Explanation shall be inserted, namely:—

Amendment of section 11.

"Explanation II.—For the purposes of this section, it is hereby clarified that nothing in this section shall prevent a corporate debtor referred to in clauses (a) to (d) from initiating corporate insolvency resolution process against another corporate debtor."

# 5. In section 14 of the principal Act,-

Amendment of section 14.

(a) in sub-section (1), the following Explanation shall be inserted, namely:—

"Explanation.-For the purposes of this subsection, it is hereby clarified that notwithstanding anything contained in any other law for the time being in force, a license, permit, registration, quota, concession, clearances or a similar grant or right Government, the Central Government, local authority, sectoral regulator or any other authority constituted under any other law for the time being in force, shall not be suspended or terminated on the grounds of insolvency, subject to the condition that there is no default in payment of current dues arising for the use or continuation of the license, permit, registration, quota, concession, clearances or a similar grant or right during the moratorium period;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Where the interim resolution professional or resolution professional, as the case may be, considers the supply of goods or services critical to protect and preserve the value of the corporate debtor and manage the operations of such corporate debtor as a going concern, then the supply of such goods or services shall not be terminated, suspended or interrupted during the period of moratorium, except where such corporate debtor has not paid dues arising from such supply during the moratorium period or in such circumstances as may be specified.";

(c) in sub-section (3), for clause (a), the following clause shall be substituted, namely:—

"(a) such transactions, agreements or other arrangements as may be notified by the Central Government in consultation with any financial sector regulator or any other authority;".

Amendment of section 16.

6. In section 16 of the principal Act, in sub-section (1), for the words "within fowteen days from the insolvency commencement date", the words "on the insolvency commencement date" shall be substituted.

Amendment of section 21.

7. In section 21 of the principal Act, in sub-section (2), in the second proviso, after the words "convertible into equity shares", the words "or completion of such transactions as may be prescribed," shall be inserted.

Amendment of section 23.

8. In section 23 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the resolution professional shall continue to manage the operations of the corporate debtor after the expiry of the corporate insolvency resolution process period, until an order approving the resolution plan under subsection (1) of section 31 or appointing a liquidator under section 34 is passed by the Adjudicating Authority."

# 9. In section 29A of the principal Act,-

Amendment of section 29A.

- (i) in clause (c), in the second proviso, in the Explanation I, after the words, "convertible into equity shares", the words "or completion of such transactions as may be prescribed," shall be inserted;
- (ii) in clause (j), in Explanation I, in the second proviso, after the words "convertible into equity shares", the words "or completion of such transactions as may be prescribed," shall be inserted.
- 10. After section 32 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 32A.

"32A. (1) Notwithstanding anything to the contrary contained in this Code or any other law for the time being in force, the liability of a corporate debtor for an offence committed prior to the commencement of the corporate insolvency resolution process shall cease, and the corporate debtor shall not be prosecuted for such an offence from the date the resolution plan has been approved by the Adjudicating Authority under section 31, if the resolution plan results in the change in the management or control of the corporate debtor to a person who was not—

Liability for prior offences, etc.

- (a) a promoter or in the management or control of the corporate debtor or a related party of such a person; or
- (b) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession, reason to believe that he had abetted or conspired for the commission of the offence, and has submitted or filed a report or a complaint to the relevant statutory authority or Court:

Provided that if a prosecution had been instituted during the corporate insolvency resolution process against such corporate debtor, it shall stand discharged from the date of approval of the resolution plan subject to requirements of this sub-section having been fulfilled:

Provided further that every person who was a "designated partner" as defined in clause (j) of section 2 of the Limited Liability Partnership Act, 2008 or an "officer who is in default", as defined in clause (60) of section 2 of 18 of 2013. the Companies Act, 2013, or was in any manner in-charge of, or responsible to the corporate debtor for the conduct of its business or associated with the corporate debtor in any manner and who was directly or indirectly involved in the commission of such offence as per the report submitted or complaint filed by the investigating authority, shall continue to be liable to be prosecuted and punished for such an offence committed by the corporate debtor notwithstanding that the corporate debtor's liability has ceased under this sub-section.

- (2) No action shall be taken against the property of the corporate debtor in relation to an offence committed prior to the commencement of the corporate insolvency resolution process of the corporate debtor, where such property is covered under a resolution plan approved by the Adjudicating Authority under section 31, which results in the change in control of the corporate debtor to a person, or sale of liquidation assets under the provisions of Chapter III of Part II of this Code to a person, who was not-
  - (i) a promoter or in the management or control of the corporate debtor or a related party of such a person; or
  - (ii) a person with regard to whom the relevant investigating authority has, on the basis of material in its possession, reason to believe that he had abetted or conspired for the commission of the offence, and has submitted or filed a report or a complaint to the relevant statutory authority or Court.

Explanation.—For the purposes of this sub-section, it is hereby clarified that,-

(i) an action against the property of the corporate debtor in relation to an offence shall include the attachment, seizure, retention or confiscation of such property under such law as may be applicable to the corporate debtor;

- (ii) nothing in this sub-section shall be construed to bar an action against the property of any person, other than the corporate debtor or a person who has acquired such property through corporate insolvency resolution process or liquidation process under this Code and fulfils the requirements specified in this section, against whom such an action may be taken under such law as may be applicable.
- (3) Subject to the provisions contained in subsections (1) and (2), and notwithstanding the immunity given in this section, the corporate debtor and any person, who may be required to provide assistance under such law as may be applicable to such corporate debtor or person, shall extend all assistance and co-operation to any authority investigating an offence committed prior to the commencement of the corporate insolvency resolution process."

# 11. In section 227 of the principal Act,-

Amendment of section 227.

- (i) for the words "examined in this Code", the words "contained in this Code" shall be substituted;
- (ii) the following Explanation shall be inserted, namely:—

"Explanation.—For the removal of doubts, it is hereby clarified that the insolvency and liquidation proceedings for financial service providers or categories of financial service providers may be conducted with such modifications and in such manner as may be prescribed."

12. In section 239 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:—

Amendment of section 239.

"(fa) the transactions under the second proviso to sub-section (2) of section 21;

- (fb) the transactions under the Explanation I to clause (c) of section 29A;
- (fc) the transactions under the second proviso to clause (j) of section 29A;".

Amendment of section 240.

- 13. In section 240 of the principal Act, in sub-section (2), after clause (i), the following clause shall be inserted, namely:—
  - "(ia) circumstances in which supply of critical goods or services may be terminated, suspended or interrupted during the period of moratorium under sub-section (2A) of section 14;".

RAM NATH KOVIND, President.

DR. REETA VASISHTA, Additional Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-49** 

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇಶಾಪ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021. ದಿನಾಂಕ: 28.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) ACT, 2020 (NO. 24 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

रिवस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—20

REGISTERED NO. DL-(N)04/0007/2003-20



**सी.जी.-**डी.एल.-अ.-28092020-222055 CG-DL-E-28092020-222055

# असाधारण

# EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्रधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

सं• 501 No. 501 नई दिल्ली, सोमवार, सितम्बर 28, 2020/आहिवन 6, 1942 (शक)

NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 25th September, 2020 and is hereby published for general information:—

# THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) ACT, 2020

No. 24 of 2020

[25th September, 2020.]

An Act further to amend the Homoeopathy Central Council Act, 1973.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:--

1. (1) This Act may be called the Homoeopathy Central Council (Amendment) Short title and Act, 2020.

commencement.

- (2) It shall be deemed to have come into force on the 24th day of April, 2020.
- 59 of 1973.
- 2. In section 3A of the Homoeopathy Central Council Act, 1973, in sub-section (2), for Amendment the words "within a period of two years", the words "within a period of three years" shall be of section 3A. substituted.

2 THE GAZETTE OF INDIA EXTRAORDINARY [PART II— SEC. 1]

Repeal and savings.

3. (1) The Homoeopathy Central Council (Amendment) Ordinance, 2020 is hereby repealed.

Ord. 6 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken under the Homoeopathy Central Council Act, 1973, as amended by the said Ordinance, shall be deemed 59 of 1973. to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

DR. G NARAYANA RAJU, Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ) ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-50** 

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 42 ಕೇಶಾಪ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021.

ದಿನಾಂಕ: 28.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT) ACT, 2020 (NO. 25 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

-(एन)04/0007/2003-

REGISTERED NO. DL-(N)04/0007/2003-20



सी.जी.-डी.एल.-अ.-28092020-222058 CG-DL-E-28092020-222058

असाधारण

### EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

सं° 52]

नई दिल्ली, सोमवार, सितम्बर 28, 2020/आश्विन 6, 1942 (शक)

No. 52]

NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जावी है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 25th September, 2020 and is hereby published for general information:-

# THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT) ACT. 2020

No. 25 of 2020

[25th September, 2020.]

An Act further to amend the Indian Medicine Central Council Act, 1970.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Shor. title and Act, 2020.

commencement.

- (2) It shall be deemed to have come into force on the 24th day of April, 2020.
- 2. In the Indian Medicine Central Council Act, 1970, after section 3, the following Insertion of sections shall be inserted, namely:-

new sections 3A, 3B and 3C.

48 of 1970.

Power of Central Government to supersede Central Council and constitute Board of Governors. "3A. (1) On and from the date of commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2020, the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

Ord. 7 of 2020.

- (2) The Central Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Central Council under sub-section (1).
- (3) Upon supersession of the Central Council under sub-section (1) and until a new Council is constituted in accordance with the provisions of section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Central Council under this Act.
- (4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than ten persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of Indian Medicine and Indian Medicine education and eminent administrators, and who may be either nominated members or ex officio members, to be appointed by the Central Government, one of whom shall be selected by the Central Government as the Chairperson of the Board of Governors.
- (5) The Chairperson and other members, other than ex officio members, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.
- (6) The Board of Governors shall meet at such time and such place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as is applicable to the Council.
- (7) Two-:hird of the members of the Board of Governors shall constitute the quorum of its meetings.
- (8) No act or proceedings of the Board of Governors shall be invalid merely by reason of—
  - (a) any vacancy in, or any defect in the constitution of, the Board of Governors; or
  - (b) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.
- (9) A member having any financial or other interest in any matter coming before the Board of Governors for its decision shall disclose his interest in such matter before he may, if allowed by the Board of Governors, participate in such proceedings.
- (10) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.
  - 3B. During the period when the Central Council stands superseded,-
  - (a) the provisions of the Act shall be construed as if for the words "Central Council", the words "Board of Governors" were substituted;
  - (b) the Board of Governors shall exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Central Council shall be construed as references to the Board of Governors;
- 3C. (1) Without prejudice to the provisions of this Act, the Board of Governors or the Central Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Certain modifications of Act.

Power of Central Government to give directions.

### THE GAZETTE OF INDIA EXTRAORDINARY SEC. 1]

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is a matter of policy or not shall be final.".

Ord. 7 of 2020.

3. (1) The Indian Medicine Central Council (Amendment) Ordinance, 2020 is hereby Repeal and repealed.

savings.

3

48 of 1970.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medicine Central Council Act, 1970, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act as amended by this Act.

> DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ) ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-51** 

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 43 ಕೇಶಾಪ್ರ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021.

ದಿನಾಂಕ: 28.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY LAWS (AMENDMENT) ACT, 2020 (NO. 28 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



सी.जी.-डी.एल.-अ.-28092020-222061 CG-DL-E-28092020-222061

### असाधारण

### EXTRAORDINARY

भाग II — खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

₹ 531

नई दिल्ली, सोमवार, सितम्बर 28, 2020/आश्विन 6, 1942 (शक)

No. 53]

NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:-

# THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY LAWS (AMENDMENT) ACT, 2020

No. 28 of 2020

[28th September, 2020.]

An Act further to amend the Indian Institutes of Information Technology Act, 2014 and to amend the Indian Institutes of Information Technology (Public-private Partnership) Act, 2017.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:--

# CHAPTER I

# PRELIMINARY

1. (1) This Act may be called the Indian Institutes of Information Technology Laws Short title and (Amendment) Act, 2020.

commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

# **CHAPTER II**

AMENDMENT TO THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY ACT, 2014

Amendment of section 41 of Act 30 of 2014.

2. In the Indian Institutes of Information Technology Act, 2014, in section 41, in sub-section (3), for the word "elected" at both the places where they occur, the word "nominated" shall be substituted.

# CHAPTER III

AMENDMENT TO THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY (Public-private Partnership) Act, 2017

Amendment of 23 of 2017.

3. In the Schedule to the Indian Institutes of Information Technology (Public-private Schedule to Act Partnership) Act, 2017,-

> (a) after serial number 2 and the entries relating thereto, the following shall be inserted, namely:-

(1)	(2)	(3)	(4)	(5)
"2A.	Bihar	Indian Institute of Information Technology, Bhagalpur being a society registered under the Societies Registration Act, 1860 (21 of 1860)	Indian Institute of Information Technology, Bhagalpur	Indian Institute of Information Technology, Bhagalpur.";

(b) after serial number 3 and the entries relating thereto, the following shall be inserted, namely:-

(1)	(2)	(3)	(4)	(5)
"3A.	Gujarat	Indian Institute of Information Technology, Surat being a society registered under the Societies Registration Act, 1860 (21 of 1860)	Indian Institute of Information Technology, Surat	Indian Institute of Information Technology, Surat.";

(c) after serial number 7 and the entries relating thereto, the following shall be inserted, namely:-

(1)	(2)	(3)	(4)	(5)
"7A.	Karnataka	Indian Institute of Information Technology, Raichur being a society registered under the Societies Registration Act, 1860 (21 of 1860)	Indian Institute of Information Technology, Raichur	Indian Institute of Information Technology, Raichur.";

(d) after serial number 8 and the entries relating thereto, the following shall be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
"8A.		Indian Institute of Information Technology, Bhopal being a society registered under the Societies Registration Act, 1860 (21 of 1860)	Indian Institute of Information Technology, Bhopal	Indian Institute of Information Technology, Bhopal.";

(e) after serial number 13 and the entries relating thereto, the following shall be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
"13A.	Tripura	Indian Institute of Information Technology, Agartala being a society registered under the Societies Registration Act, 1860 (21 of 1860)	Indian Institute of Information Technology, Agartala	Indian Institute of Information Technology, Agartala.".

DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ) ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-52** 

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 44 ಕೇಶಾಪ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021.

ದಿನಾಂಕ: 28.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE BILATERAL NETTING OF QUALIFIED FINANCIAL CONTRACTS ACT, 2020 (NO. 30 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



**सी.जी.-ਭੀ.एਕ.-अ.-28092020-222064** CG-DL-E-28092020-222064

# असाधारण

### EXTRAORDINARY

भाग II — खण्ड 1

PART II --- Section 1

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

सं॰ 55]

नई दिल्ली, सोमवार, सितम्बर 28, 2020/आश्विन 6, 1942 (शक)

No. 551

NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग सेकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:-

# THE BILATERAL NETTING OF QUALIFIED FINANCIAL CONTRACTS ACT, 2020

No. 30 of 2020

[28th September, 2020.]

An Act to ensure financial stability and promote competitiveness in Indian financial markets by providing enforceability of bilateral netting of qualified financial contracts and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:-

# CHAPTER I

### PRELIMINARY

1. (1) This Act may be called the Bilateral Netting of Qualified Financial Contracts Short title and Act, 2020.

commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Definitions.

- 2. (1) In this Act, unless the context otherwise requires,—
- (a) "administration" means proceedings of the nature of placing under administration and includes imposition of moratorium, reorganisation, winding up, liquidation (including any compulsory winding up procedure or proceeding), insolvency, bankruptcy, composition with creditors, receivership, conservatorship or any proceedings of nature similar to or resulting in any of the foregoing, initiated or commenced under any law for the time being in force, against a qualified financial market participant;
- (b) "administration practitioner" means the liquidator, receiver, trustee, conservator, resolution professional or any other person or entity, by whatever name called, which administers the affairs of a party subject to administration under any law for the time being in force;
- (c) "authority" means the Central Government or any of the regulatory authorities as specified in the First Schedule;
  - (d) "banking institution" means,-
  - (i) scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934; and
    - (ii) any other bank as the Reserve Bank of India may specify;

2 of 1934.

- (e) "close-out netting" means a process involving termination of obligations under a qualified financial contract with a party in default and subsequent combining of positive and negative replacement values into a single net payable or receivable as set out in section 6:
  - (f) "collateral" means,-
  - (i) money, in the form of cash, credited to an account in any currency, or a similar claim for repayment of money, such as a money market deposit;
    - (ii) securities of any kind, including debt and equity securities;
    - (iii) guarantees, letters of credit and obligations to reimburse; and
  - (iv) any asset commonly used as collateral under any law for the time being in force;
- (g) "collateral arrangement" means any margin, collateral or security arrangement or other credit enhancement related to or forming part of a netting agreement or one or more qualified financial contracts to which a netting agreement applies, and includes,—
  - (i) a pledge or any other form of security interest in collateral, whether possessory or non-possessory;
    - (ii) a title transfer collateral arrangement; and
  - (iii) any guarantee, letter of credit or reimbursement obligation by or to a party to one or more qualified financial contracts, in respect of those qualified financial contracts; or a netting agreement;
- (h) "insolvent party" means the party to a qualified financial contract in relation to which insolvency, winding up, liquidation, resolution, administration or similar proceedings have been instituted under any law for the time being in force in India or under the laws of any other country, including of its incorporation;
- (i) "margin" means the amount, form and type of collateral required as a performance bond for the purchase, sale or carrying of a qualified financial contract and includes—
  - (A) initial margin which protects the transacting parties from potential future exposure likely to arise from future changes in the mark-to-market value of the qualified financial contract during the close-out and replace the position in the event of counterparty default; and

- (B) variation margin which protects the transacting parties from the current exposure that has already been incurred by one of the parties from changes in the mark-to-market value of the qualified financial contract after the transaction has been executed:
- (j) "netting" means determination of net claim or obligations after setting off or adjusting all the claims or obligations based or arising from mutual dealings between the parties to qualified financial contracts and includes close-out netting;
- (k) "netting agreement" means an agreement that provides for netting, and includes.—
  - (i) an agreement that provides for the netting of amounts due under two or more netting agreements; and
  - (ii) a collateral arrangement relating to or forming part of a netting agreement;
- (I) "non-insolvent party" means the party to a qualified financial contract that is not the insolvent party;
- (m) "notification" means a notification published in the Official Gazette and the term "notify" shall be construed accordingly;
- (n) "qualified financial contract" means a qualified financial contract notified by the authority under clause (a) of section 4;
  - (o) "qualified financial market participant" includes,---
  - (i) a banking institution, or a non-banking financial company, or such other financial institution which is subject to regulation or prudential supervision by the Reserve Bank of India;
  - (ii) an individual, partnership firm, company, or any other person or body corporate whether incorporated under any law for the time being in force in India or under the laws of any other country and includes any international or regional development bank or other international or regional organisation;
  - (iii) an insurance or reinsurance company which is subject to regulation or prudential supervision by the Insurance Regulatory and Development Authority of India established under the Insurance Regulatory and Development Authority Act, 1999;
  - (iv) a pension fund regulated by the Pension Fund Regulatory and Development Authority established under the Pension Fund Regulatory and Development Authority Act, 2013;
  - (v) a financial institution regulated by the International Financial Services Centres Authority established under the International Financial Services Centres Authority Act, 2019; and
  - (vi) any other entity notified by the relevant authority under clause (b) of section 4;
  - (p) "Schedule" means the First Schedule or the Second Schedule to this Act;
- (q) "title transfer collateral arrangement" means a margin, collateral or security arrangement related to a netting agreement based on the transfer of title to collateral, whether by outright sale or by way of security, including a sale and repurchase agreement, securities lending agreement, securities, buy or sell-back agreement or an irregular pledge.
- (2) Words and expressions used but not defined in this Act and defined in the Reserve Bank of India Act, 1934, the Insurance Act, 1938, the Banking Regulation Act, 1949, the Securities Contracts (Regulation) Act, 1956, the Banking Companies (Acquisition

41 of 1999.

23 of 2013.

50 of 2019.

2 of 1934. 4 of 1938. 10 of 1949. 42 of 1956.

and Transfer of Undertakings) Act, 1970, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, the Securities and Exchange Board of India Act, 1992, the Foreign Exchange Management Act, 1999, the Insurance Regulatory and Development Authority Act, 1999, the Payment and Settlement Systems Act, 2007, the Companies Act, 2013, the Pension Fund Regulatory and Development Authority Act, 2013 and the Insolvency and Bankruptcy Code, 2016, shall have the meanings respectively assigned to them in those enactments.

5 of 1970. 40 of 1980. 15 of 1992. 42 of 1999. 41 of 1999. 51 of 2007. 18 of 2013. 23 of 2013. 31 of 2016.

### CHAPTER II

### APPLICATION OF ACT

Applicability of Act.

3. The provisions of this Act shall apply to a qualified financial contract entered into on a bilateral basis between qualified financial market participants, either under a netting agreement or otherwise, where at least one of such participants shall be an entity regulated by an authority specified in the First Schedule.

Powers of authority.

- 4. The relevant authority may, by notification,—
- (a) designate any bilateral agreement or contract or transaction, or type of contract regulated by it, as qualified financial contract:

Provided that the contract, so designated under this clause, shall not include any contract,-

- (f) entered into between such parties and on such terms as the Central Government may, by notification, specify; or
- (ii) entered into on multilateral basis in accordance with the provisions of the Securities Contracts (Regulation) Act, 1956 and the Payment and Settlement 42 of 1956. Systems Act, 2007;

51 of 2007.

(b) specify any entity regulated by it, as a qualified financial market participant to deal in qualified financial contracts.

Enforceability of netting.

- 5. (1) Netting of the qualified financial contract shall be enforceable—
- (a) where such contract is entered into with a netting agreement, in accordance with the terms of the netting agreement:

Provided that the inclusion of any non-qualified financial contract in a netting agreement shall not invalidate the enforceability of netting of qualified financial contract under such agreement; or

- (b) where such contract is entered into without a netting agreement, in accordance with the provisions of section 6.
- (2) A qualified financial contract shall not be void and shall be deemed never to have been void or unenforceable by reason of any law for the time being in force.
- (3) Close-out netting of a qualified financial contract shall be enforceable against an insolvent party, and, wherever applicable, against a guarantor or other person providing collateral or security for a party and shall not be affected or stopped or otherwise limited by:-
  - (i) the appointment of, or any application for the appointment of, an administration practitioner, or
    - (ii) applicability of any provision of law relating to administration, or
    - (iii) any other provision of law that may be applicable to an insolvent party.
- (4) Where a qualified financial market participant is subject to administration, then notwithstanding,
  - (i) any stay, injunction, avoidance, moratorium or similar proceedings or any other order of a court, tribunal or authority, or

- (ii) any order of adjudication or dissolution or winding up or resolution or insolvency, or
  - (iii) any rule, regulation, scheme, direction, guideline, circular or order,

made or issued under any law for the time being in force, close-out netting shall be applicable and nothing contained therein shall affect the validity of close-out netting under this Act.

(5) The amount payable or other claims to be made in accordance with the close-out netting under this Act shall be final, irrevocable and binding upon the parties to a qualified financial contract and upon the administration practitioner, of the party in administration.

# CHAPTER III

# INVOCATION OF CLOSE-OUT NETTING

6. (1) Close-out netting may be commenced by a notice given by one party to the other Invocation of party of a qualified financial contract upon the occurrence of an event of default with respect to the other party or a termination event that may, in certain circumstances, occur automatically as specified in the netting agreement:

close-out netting.

Provided that where any one of the parties to a netting agreement is subject to administration, then no prior notice to or consent of the party in insolvency, winding up, liquidation, administration or resolution proceeding, or to the administration practitioner of such proceeding, shall be required.

Explanation.—For the purposes of this sub-section,—

- (i) "event of default" means failure to pay or deliver or honour the obligations of a qualified financial contract, or bankruptcy, or any other event as may be agreed upon by the parties in the agreement; and
- (ii) "termination event" means the occurrence of any event mentioned in the netting agreement which gives one or both parties the right to terminate relevant transactions under that agreement.
- (2) The parties to a qualified financial contract shall ensure that all obligations owed by one party to another party under a qualified financial contract are reduced to or replaced with single net amount which has the following effect, namely:-
  - (a) the termination, liquidation or acceleration of any present or future payment or delivery rights or obligations arising under or in connection with any one or more qualified financial contracts to which a netting agreement applies;
  - (b) the calculation or estimation of a close-out value, market value, liquidation value or replacement value in respect of each right and obligation or group of rights and obligations terminated, liquidated or accelerated under clause (a) and the conversion of each such value into a single currency; and
  - (c) the determination of the net balance of the values calculated under clause (b), whether by operation of set-off or otherwise, giving rise to the obligation of one party to pay an amount equal to the net balance to the other party.
- (3) Without prejudice to the provisions of any law for the time being in force requiring the realisation, appropriation or liquidation of collateral, and unless otherwise agreed by the parties, the realisation, appropriation or liquidation of collateral under a collateral arrangement shall take effect without any requirement of prior notice to, or consent from, any party, person or entity.
- (4) Close-out netting shall be applicable to all qualified financial market participants who are parties to a qualified financial contract notwithstanding anything to the contrary contained in any law specified in the Second Schedule or any other law pursuant to which any qualified financial market participant has been incorporated, constituted or is regulated.

Net amount.

- 7. (1) Where parties to the qualified financial contract enter into a netting agreement, the net amount payable under the close-out netting shall be determined in accordance with the terms of the netting agreement entered into by the parties.
- (2) In the absence of the netting agreement, where the parties to a qualified financial contract fail to agree on the sum with regard to the net amount payable under the close-out netting, such sum shall be determined through arbitration.

### **CHAPTERIV**

### LIMITATIONS ON POWERS OF ADMINISTRATION PRACTITIONER

Limitations on powers of administration practitioner.

- 8. The administration practitioner shall not render or seek to render ineffective,—
- (a) any transfer, substitution or exchange of cash, collateral or any other interests under or in connection with a netting agreement between the insolvent party and the non-insolvent party to a qualified financial contract; or
- (b) any payment or delivery obligation incurred by the insolvent party and owing to the non-insolvent party under or in connection with a netting agreement on the grounds of it constituting a preference including a fraudulent preference or a transfer for undervalue, including during a suspect period by the insolvent party to the non-insolvent party.

Explanation.—For the purposes of this clause, "suspect period" means the relevant period referred to in sub-section (4) of section 43 of the Insolvency and Bankruptcy Code, 2016 in respect of "preferential transaction" and in sub-section (1) of section 46 of the said Code in respect of "undervalued transaction".

31 of 2016.

### CHAPTER V

### MISCELLANEOUS

Power to amend Schedules.

- 9. (7) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, add to or otherwise amend the First Schedule or the Second Schedule and thereupon, the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.
- (2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is issued, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Provisions of this Act to override other laws.

- Power to remove difficulties.
- 10. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.
- 11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

# THE FIRST SCHEDULE

[See sections 2(1)(c), (p) and 9(1)]

Sl. No.	Name of the authority	Act No.
(1)	(2)	(3)
1.	The Reserve Bank of India, established under section 3 of the Reserve Bank of India Act, 1934.	2 of 1934.
2.	The Securities and Exchange Board of India, established under section 3 of the Securities and Exchange Board of India Act, 1992.	15 of 1992.
3.	The Insurance Regulatory and Development Authority of India, established under section 3 of the Insurance Regulatory and Development Authority Act, 1999.	41 of 1999
4.	The Pension Fund Regulatory and Development Authority, established under section 3 of the Pension Fund Regulatory and Development Authority Act, 2013.	23 of 2013
5.	The International Financial Services Centres Authority established under section 4 of the International Financial Services Centres Authority Act, 2019.	50 of 2019

# THE SECOND SCHEDULE

[See sections 6(4) and 9(1)]

Sl. No.	Name of the enactment	Act No.
(1)	(2)	(3)
1.	The Reserve Bank of India Act, 1934.	2 of 1934.
2.	The Insurance Act, 1938.	4 of 1938.
3.	The Banking Regulation Act, 1949.	10 of 1949.
4.	The State Bank of India Act, 1955.	23 of 1955.
5.	The Securities Contracts (Regulation) Act, 1956.	42 of 1956.
6.	The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.	5 of 1970.
7.	The Regional Rural Bank Act, 1976.	21 of 1976.
8.	The Banking Companies (Acquisition and Transfer of Undertakings Act, 1980.	) 40 of 1980.
9,	The Securities and Exchange Board of India Act, 1992.	15 of 1992.
10.	The Foreign Exchange Management Act, 1999.	42 of 1999.
11.	The Insurance Regulatory and Development Authority Act, 1999.	41 of 1999.
12.	The Payment and Settlement Systems Act, 2007.	51 of 2007.
13.	The Companies Act, 2013.	18 of 2013.
14.	The Pension Fund Regulatory and Development Authority Act, 2013.	23 of 2013.
15.	The Insolvency and Bankruptcy Code, 2016.	31 of 2016.

DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ) ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-53** 

# ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 45 ಕೇಶಾಪ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021. ದಿನಾಂಕ: 28.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE NATIONAL FORENSIC SCIENCES UNIVERSITY ACT, 2020 (NO. 32 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



सी.जी.-डी.एल.-अ.-28092020-222072 CG-DL-E-28092020-222072

### असाधारण

# EXTRAORDINARY

भाग II — खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

# PUBLISHED BY AUTHORITY

सं॰ 57]

नई दिल्ली, सोमवार, सितम्बर 28, 2020/आश्विन 6, 1942 (शक)

No. 57]

NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:—

# THE NATIONAL FORENSIC SCIENCES UNIVERSITY ACT, 2020

No. 32 of 2020

[28th September, 2020.]

An Act to establish and declare an institution to be known as the National Forensic Sciences University as an institution of national importance to facilitate and promote studies and research and to achieve excellence in the field of forensic science in conjunction with applied behavioural science studies, law, criminology and other allied areas and technology and other related fields, and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

# CHAPTER I

# PRELIMINARY

1. (1) This Act may be called the National Forensic Sciences University Act, 2020.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Declaration of National Forensic Sciences University as an institution of national importance. 2. Whereas the objects of the National Forensic Sciences University are such as to make it an institution of national importance, it is hereby declared that the National University of Forensic Sciences is an institution of national importance.

Definitions.

- 3. In this Act, unless the context otherwise requires,—
- (a) "Academic Council" means the Academic Council of the University referred to in section 18;
- (b) "academic staff" means teachers and such categories of staff as are designated to be academic staff by the Statutes;
- (c) "affiliated college" means an institution recognised as such by the Board of Governors in accordance with the provisions of this Act and the Statutes made thereunder;
- (d) "Board of Governors" means the Board of Governors of the University referred to in section 15;
- (e) "campus" means the campus of the Gujarat Forensic Sciences University situated at Gandhinagar, Gujarat, and that of the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences situated at Rohini, New Delhi, or such other campus as may be established by the University at any place within India or outside India;
  - (f) "Chancellor" means the Chancellor of the University;
- (g) "college" means a college or institution maintained or admitted to the privileges of the University for imparting education and training in forensic sciences or its related disciplines;
  - (h) "Court" means the Court of the University referred to in section 14;
- (i) "Dean", in relation to any School campus, means the Dean of such School campus;
  - (j) "department" means an academic department of the University;
- (k) "distance education system" means the system of imparting education through any means of communication such as broadcasting, telecasting, internet, correspondence courses, seminars, contact programmes or the combination of any two or more such means;
- (I) "employee" means any person appointed by the University and includes teachers, other academic and non-academic staff of the University;
- (m) "Executive Registrar" means the Executive Registrar of the University referred to in section 25;
- (n) "Finance Committee" means the Finance Committee of the University referred to in section 28;
  - (o) "Fund" means the Fund of University referred to in section 35;
  - (p) "notification" means a notification published in the Official Gazette;
  - (q) "School" means a school of study of the University;
- (r) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University made under this Act;
  - (s) "student" means a student of the University and its affiliated colleges, and

includes any person who has enrolled for pursuing any course of study in the University;

- (t) "teachers" means Directors, Deans, professors, associate professors, assistant professors and such other persons as may be appointed for imparting instruction or conducting research or for giving guidance for research or rendering assistance to students, in the University or in any college or institution maintained by the University;
- (u) "University" means the National Forensic Sciences University established under this Act;
- (v) "Vice-Chancellor" means the Vice-Chancellor of the University referred to in section 21.

# CHAPTER II

### ESTABLISHMENT OF UNIVERSITY

Gujarat Act 17 of 2008.

4. (1) The Gujarat Forensic Sciences University, Gandhinagar, Gujarat established Establishment under the Gujarat Forensic Sciences University Act, 2008, and the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi shall be established as an University by the name of National Forensic Sciences University.

incorporation of University.

- (2) The National Forensic Sciences University shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by the said name, sue or be sued.
  - (3) The headquarters of the University shall be at Gandhinagar, Gujarat.
- (4) The campuses of the University shall include the campuses situated at Gujarat Forensic Sciences University, Gandhinagar, Gujarat and the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi and such other campuses as the Central Government may, by notification, specify.
- (5) The first Chancellor, Vice-Chancellor, Board of Governors, Academic Council, Directors, Deans, Executive Registrar and all other persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.
  - 5. On and from the commencement of this Act,-

Effect of incorporation of University.

- (a) any reference to the Gujarat Forensic Sciences University, Gandhinagar, Gujarat or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi in any other law for the time being in force or in any contract or other instrument, shall be deemed as a reference to the University;
- (b) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted or other things done under the provisions of the Gujarat Forensic Sciences University Act, 2008, in so far as it relates to the Gujarat Forensic Sciences University, Gandhinagar, shall be deemed to have been, respectively, made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act, and, except as otherwise provided by or under this Act or the Statutes or Ordinances or regulations, continue in force unless and until they are superseded by the Statutes or Ordinances made under this Act;
- (c) the status of "Centre of Excellence" and "Institute of Strategic or Security related Interest" granted to the Gujarat Forensic Sciences University, Gandhinagar by the Government of Gujarat and the status of "Center of Excellence for Narcotics Drugs and Psychotropic Substances" conferred by the Ministry of Home Affairs, Government of India, to the Gujarat Forensic Sciences University, Gandhinagar, shall be applicable to the University;

Gujarat Act 17 of 2008.

- (d) all properties, movable and immovable, of or belonging to the Gujarat Forensic Sciences University, Gandhinagar, Gujarat or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi shall vest in the University;
- (e) all rights, debts and other liabilities of the Gujarat Forensic Sciences University, Gandhinagar, Gujarat or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi shall be transferred to and be the rights, debts and liabilities of the University;
- (f) every person employed by the Gujarat Forensic Sciences University, Gandhinagar, Gujarat or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi, immediately before such commencement, shall hold his office or service in the University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund, and other matters as he would have held if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes, not detrimental to the service conditions of such employee:

Provided that any reference, by whatever form of words, to the Registrar and other officers of the Gujarat Forensic Sciences University, Gandhinagar, Gujarat or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi, in any law for the time being in force, or in any instrument or other document, shall be deemed to be reference to the Executive Registrar and other officers of the University;

- (g) any activity for appointment or promotion of academic or non-academic staff underway in the Gujarat Forensic Sciences University, Gandhinagar at the time of commencement of this Act shall be deemed to be valid, and further proceeding in such appointment or promotion shall be taken in accordance with the provisions of this Act and be continued from the stage at the time of commencement of this Act;
- (h) every person pursuing, before the commencement of this Act, any academic or research course or programmes of study in the Gujarat Forensic Sciences University, Gandhinagar, shall be deemed to have migrated and registered with the University, on such commencement, at the same level of course or programme and shall continue to pursue such academic or research course and programmes of study in the University;
- (i) every person pursuing, before the commencement of this Act, any academic or research course in the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi, shall continue to pursue their academic courses and programmes of study under the enrolment and affiliation of the Guru Gobind Singh Indraprastha University, Delhi which shall conduct examinations and award degrees to them upon successful completion of such courses and programmes of study;
- (j) all suits and other legal proceedings instituted or which could have been instituted by or against the Gujarat Forensic Sciences University, Gandhinagar or the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi, immediately before the commencement of this Act, shall be continued or instituted by or against the University.
- 6. The objects of the University shall be-

(i) to facilitate and promote academic learning and practices in the field of forensic science in conjunction with applied behavioural science studies, law, legal studies, criminology and other allied areas and technology, including training,

Objects of University.

- skill-development, research and extension of work with focus on emerging areas in the said fields for strengthening criminal justice institutions in the country;
- (ii) to foster research and applied applications in forensic science, applied behavioural science studies, law, legal studies and other allied areas and technology for training, research and development by promoting innovations and best practices;
- (iii) to promote and provide advanced institutional and research facilities in the fields of forensic science, applied behavioural science, law, legal studies and other allied areas and technology;
- (iv) to create capacities and capabilities of global standards of education, training and research for development of aptitude, skills and knowledge within and outside the country at various levels in the fields of forensic science, applied behavioural science, law, legal studies and other allied areas and technology;
- (v) to coordinate with the Central Government and State Governments to improve investigation, crime detection and prevention through projects and research, funded by grants-in-aid from the Central Government and State Governments, in fields of forensic science, applied behavioural science, law, legal studies, criminology and other allied areas and technology;
- (vi) to advice and assist the Central Government, State Governments and Union territory Administrations in formulation of relevant policies including their review in the fields of forensic science, applied behavioural science, law, legal studies, criminology and other allied areas and technology;
- (vii) to coordinate and network with the institutions having specialisation so as to expand the fields of forensic science, applied behavioural science, law, legal studies, criminology and other allied areas and technology, for promoting academics and research work through various pursuits;
- (viii) to administer, maintain and manage the University and to establish such off-site campus and off-shore centres for education, training and research as are necessary for the furtherance of the objects of the University within and outside the country;
- (ix) to assist the Central Government or State Governments to accredit forensic science laboratories, provide standard operating procedures, and lay down specifications for forensic equipment and kits to be used for forensic work in the country;
- (x) to set-up campus, colleges, schools, centres and institutions of excellence for imparting State of-the-art education, training and research in the fields of forensic science, cyber security and digital forensics, behavioural science, technology and management;
- (xi) to assist the Central Government to create and maintain national forensic data base required for criminal investigation, including fingerprints, voice, Deoxyribonucleic Acid (DNA), firearms, counterfeit currency, narcotic drugs and psychotropic substances, cyber security, cyber defence and internal security;
- (xii) to undertake special projects for Central Government and State Governments; and
- (xiii) to undertake any other objects, not inconsistent with the provisions of this Act which the Central Government may, by notification, specify in this behalf.
- 7. (1) Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:—
  - (a) to provide for studies, training, skill-development, research and extension of work in forensic science, applied behavioural science, law, legal studies, criminology

Powers and functions of University. and other allied areas and technology with focus on emerging areas of forensic science studies and related technologies;

- (b) to establish and maintain campuses, colleges, institutions, schools, departments, laboratories, libraries, centres of research, training, skill-development, research and specialised studies within and outside the country;
- (c) to plan and prescribe courses of study or skill-development, such as degrees, diplomas, and certificates;
- (d) to hold examinations and grant degrees, diplomas, certificates and other academic distinctions;
  - (e) to confer honorary degrees or other distinctions;
- (f) to grant, subject to such conditions as the University may determine, diplomas or certificates to, of evaluation or any other method of testing, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;
- (g) to provide facilities through the distance education system to such persons as it may determine;
- (h) to introduce semester system, continuous evaluation and choice-based credit system and enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;
- (i) to make provisions for research and advisory services and for that purpose to enter into such arrangements with other institutions or bodies, national or international, as the University may deem necessary;
- (j) to receive grants-in-aid to undertake projects for research and special assignments for the Central Government and State Governments;
- (k) to determine, specify and receive payment of fees and other charges as the University may deem fit, from students and any other person, institution or body corporate for instruction and other services, including training, consultancy and advisory services, provided by the University;
- (1) to establish, maintain and manage University buildings, halls, hostels and other campuses for the University in any other place;
- (m) to affiliate colleges and institutions of higher learning for such purposes as the University may determine and to withdraw such recognition;
- (n) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health, general welfare, cultural and corporate life;
- (o) to create academic and other teaching posts and to make appointments thereto (except the posts of Chancellor and Vice-Chancellor) as may be necessary for imparting instruction and managing the affairs of the University;
- (p) to appoint on contract or otherwise visiting professors, emeritus professors, consultants, scholars including those located outside the country, and such other persons who may contribute to the advancement of the University;
- (q) to create non-teaching, administrative, ministerial and other posts in the University and to make appointment thereto;
- (r) to cooperate, collaborate or partner or associate with educational or other institutions and organisations, public and private, including those located outside the country having objects wholly or partly similar to those of the University by exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;

- (s) to institute and award fellowships, scholarships, exhibitions, prizes and medals;
- (t) to provide for the preparation of instructional material including related software and other audio-visual aids;
- (u) to sponsor and make provision for research and development in areas of core competence of the University;
  - (v) to enter into, carry out, vary or cancel contracts;
- (w) to demand and receive such fees and other charges as may be specified by Ordinances;
- (x) to receive benefactions, donations and gifts from persons and to name after them such chairs, institutions, buildings and the like, as the University may determine, whose gift and donations to the University is worth such as the University may decide;
- (y) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;
- (z) to initiate measures to enlist the cooperation of the industry to provide complementary facilities;
- (za) to establish off-shore campus at any place outside the country as and when it is considered necessary for advancing the aims and objectives of the University;
- (zb) to provide for printing, reproduction and publication of research and other work;
- (zc) to provide, control and maintain discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their code of conduct;
- (zd) to conduct innovative experiments and develop new methods and technologies in the field of science, technology and management in relation to the domains of investigation, prevention and detection of crimes and furthering the cause of criminal justice systems in order to achieve international standards of such education, training research and consultancy;
- (ze) to admit students for courses in Institute and its affiliated centers and institutes on an all India basis in such manner as may be laid down in the Statutes;
- (zf) to admit foreign students, Overseas Citizen of India card holder, Person of Indian Origin, non-resident Indian, children of Indian workers in Gulf and South-East Asian Countries, in such manner and as may be laid down in the Statutes;
- (zg) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;
- (zh) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay and redeem any money borrowed after taking prior permission of the Board of Governors;
- (zi) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University; and

- (zj) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.
- (2) Notwithstanding anything contained in sub-section (1), the University shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

Jurisdiction of University. University to

be open to all

races, creeds and classes.

9. (1) The University shall be open to all persons irrespective of gender, race, caste, creed, disability, domicile, ethnicity, social or economic background.

8. The jurisdiction of the University shall extend to the whole of India.

- (2) No bequest, donation or transfer of any property shall be accepted by the University which in the opinion of the Board of Governors involves conditions or obligations opposed to the spirit and object of this section.
- (3) Admissions to every academic programme of study in the University shall be based on merit assessed through transparent and reasonable criteria disclosed prior to the commencement of the process of admission by the University:

Provided that the University shall be a Central Educational Institution for the purposes of the Central Educational Institutions (Reservation in Admission) Act, 2006.

5 of 2007.

Admission of students.

- 10. (1) It shall be the endeavor of the University to maintain an all-India character, and high standards of teaching and research.
- (2) Admission of students for courses in University shall be made on an all-India basis in such manner as may be specified in the Ordinances.

Teaching at University.

11. All teaching at the University and its campuses or affiliated colleges shall be conducted by and in the name of the University in accordance with the Statutes and Ordinances made in this behalf.

## CHAPTER III

## **AUTHORITIES OF UNIVERSITY**

Authorities of University.

- 12. The following shall be the authorities of the University, namely:-
  - (a) Chancellor;
  - (b) Court;
  - (c) Board of Governors;
  - (d) Academic Council;
  - (e) Board for Affiliation and Recognition;
  - (f) Finance Committee; and
- (g) such other authorities as may laid down in the Statutes to be the authorities of the University.

Chancellor.

- 13. (1) The Central Government may, by notification, appoint a person of eminence as the Chancellor of the University in consultation with such State Governments as it deems
- (2) The Chancellor shall, by virtue of his office, be the Head of the University and shall preside at the convocations of the University held for conferring degrees.
- (3) The Chancellor may invite any person or persons of eminence to advise the University in relation to the affairs of the University as and when necessary.
- (4) Notwithstanding anything contained in this Act, the Chancellor may order or undertake an inspection or inquiry, if he deems it necessary.

- (5) The Chancellor shall have such other powers as may be laid down in the Statutes.
- 14. (1) The Central Government shall, by notification, constitute a Court for the Court. University to be headed by the Chancellor.
- (2) The members of the Court shall be nominated by the Central Government, in consultation with such State Governments as it deems fit, from amongst persons of eminence, including from the fields of forensics, bio-technology, criminal justice, law enforcement, technology and academia.
- (3) The term of office of members of the Court shall be such as may be laid down in the Statutes.
  - (4) The Vice-Chancellor shall be the convenor of the Court.
- (5) Subject to the provisions of this Act, the Court shall have the following powers and perform the following functions, namely:-
  - (a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;
  - (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts; and
    - (c) to perform such other functions as may be laid down in the Statutes.
  - (6) The Court shall meet at least once in a year.
- 15. (1) The Board of Governors of the University shall consist of the following members, namely:-

Board of Governors.

- (a) Vice-Chancellor—Chairperson, ex officio;
- (b) Financial Adviser, Ministry of Home Affairs, Government of India-member, ex officio;
- (c) one representative of the Ministry of Home Affairs in the Government of India not below the rank of Joint Secretary—member, ex officio;
- (d) an officer of the Home Department, not below the rank of the Secretary to the Government of Gujarat-member, ex officio;
  - (e) Registrar General of the High Court of Gujarat-member, ex officio;
- (f) Director-cum-Chief Forensic Scientist, Director of Forensic Science Services, Ministry of Home Affairs, Government of India-member, ex officio;
- (g) five persons of eminence selected from the fields of forensic science, law, enforcement, criminology, computer science, engineering, technology, management, forensic medicine and pharmacy, to be nominated by the Central Government, in consultation with such State Governments as it deems fit-members;
  - (h) all Campus Directors of the University-members, ex officio.
- (2) The Executive Registrar shall be the Secretary of the Board.
- (3) The Chairperson shall exercise such other powers and perform such other functions as may be assigned to him by or under this Act or the Statutes.
- 16. (1) Subject to the provisions of this Act, the Board of Governors shall be Powers of responsible for the general superintendence, direction and the control of affairs of the University and shall exercise all the powers of the University not otherwise provided by this Act, Statutes or Ordinances and shall have the power to review the acts of the Academic Council and the Finance Committee and other committees or authorities of the University.

Governors.

- (2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and perform the following functions, namely:—
  - (i) take decisions on question of policy relating to the administration and working of the University;
    - (ii) institute courses of study in the University;
    - (iii) make Statutes;
    - (iv) modify or cancel Statutes;
  - (v) create posts and appoint persons to academic as well as other posts in the University and determine salary structure and the terms and conditions of different cadres of employees;
  - (vi) consider and pass resolutions on the annual report, annual accounts and the budget estimates of the University for every financial year;
  - (vii) invest money and funds of the University and to take decision on the recommendations of the Finance Committee;
  - (viii) publish or finance the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sell or arrange for the sale as it may deem fit;
  - (ix) appoint such committees as it considers necessary for the exercise of its powers and performance of its duties under this Act;
    - (x) appoint Campus Directors;
  - (xi) consider and approve the proposals recommended by the Board for Affiliation and Recognition;
  - (xii) delegate any of its power to the Directors, Deans, Executive Registrar or any other officer, employee or to any authority of the University or to a committee appointed by it; and
  - (xiii) exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the Statutes or Ordinances made thereunder for achieving the objects of the University.
- (3) The Board of Governors shall meet at least two times in a year and the presence of at least six members shall form the quorum for a meeting of the Board of Governors.
- 17. (1) Save as otherwise provided in this section, the term of a nominated member of the Board of Governors under clause (g) of sub-section (1) of section 15 shall be three years from the date of his nomination.
- (2) A nominated member of the Board of Governors shall be eligible for re-nomination for the next term.
- (3) A nominated member of the Board of Governors may resign from his office by writing under his hand addressed to the Chairperson and his resignation shall take effect from the date it is accepted by the Chairperson.
- (4) The term of office of an ex officio member of the Board of Governors shall continue so long as he holds the office by the virtue of which he is a member.

Academic Council.

Terms of office of

Board of Governors.

members of

- 18. (1) The Academic Council of the University shall consist of the following members, namely:—
  - (i) Vice-Chancellor-Chairperson, ex officio;
  - (ii) two academicians or professionals to be nominated by the Board of Governors—members;

- (iii) two academicians or professionals in the field of forensic science to be nominated by the Board of Governors-members;
- (iv) Director-cum-Chief Forensic Scientist, Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India-member, ex officio;
  - (v) Campus Directors-members, ex officio;
- (vi) one Dean or professor or associate professor from each discipline of the School, by rotation, to be nominated by the Vice-Chancellor—members, ex officio;
- (vii) two representatives of industry or industry bodies in related sectors to be nominated by the Board of Governors-members.
- (2) The Executive Registrar shall be the Secretary of the Council.
- (3) The term of office of the members nominated under clauses (ii), (iii), (vi) and (vii) of sub-section (1) shall be three years, and the members shall be eligible for re-nomination for the next term.
- 19. Subject to the provisions of this Act and the Statutes made thereunder, the Powers of Academic Council of the University shall exercise the following powers and perform following functions, namely:-

Council.

- (i) to specify the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculty of the University or the Board of Governors and to take appropriate action thereof;
- (iii) to review and recommend to the Board of Governors regarding proposals received from the Board for Affiliation and Recognition;
  - (iv) to make Ordinances;
- (v) to recommend to the Board of Governors, to make such Statutes as are consistent with this Act regarding the academic functioning of the Institute including discipline of students; and
- (vi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes or Ordinances.
- 20. The following shall be the officers of the University, namely:-

Officers of University.

- (a) Vice-Chancellor;
- (b) Campus Directors;
- (c) Deans;
- (d) Executive Registrar; and
- (e) such other persons in the service of the University as may be laid down in the Statutes, to be the officers of the University.
- 21. (1) The Central Government may, in consultation with such State Governments as Viceit deems fit, by notification, appoint the Vice-Chancellor of the University.

Chancellor.

- (2) A person shall be qualified to be appointed as the Vice-Chancellor of the University, if he is-
  - (i) a person of eminence in the field of forensic sciences;
  - (ii) associated in administration of criminal justice, development matters, education, philanthropy, industrial or business development or exemplary

administration in the central services, State services, corporations or public bodies at national and international levels.

- (3) The Vice-Chancellor shall hold office for a period of three years and shall be eligible for reappointment for another term or till he attains the age of seventy years.
- (4) The other terms and conditions of the Vice-Chancellor shall be such as may be laid down in the Statutes.
- (5) The Vice-Chancellor may resign from his office by writing under his hand addressed to the Chancellor and such a resignation shall take effect from the date of acceptance by the Chancellor.

Powers of Vice-Chancellor.

- 22. (1) The Vice-Chancellor shall have, subject to the provisions of this Act, power to cause an inspection or review to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipment and systems and processes and of any institution or center maintained by the University, and also of the examinations, teaching, research and other works conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finance of the University.
- (2) Without prejudice to the generality of the foregoing provisions, the Vice-Chancellor shall—
  - (i) preside at the meetings of the Board of Governors, Academic Council, Board for Affiliation and Recognition and Finance Committee;
  - (ii) be the principal academic and executive officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University;
  - (iii) be responsible for imparting of instructions and maintenance of discipline in the University;
    - (iv) submit annual reports and accounts to the Board of Governors;
    - (v) ensure that decisions taken by the Board of Governors are implemented;
  - (vi) have the power to delegate some of his powers to any of his subordinates under intimation to the Board of Governors;
  - (vii) nominate a Director of the University to perform his functions during the period of his leave;
  - (viii) have all financial powers of the Secretary to the Government of India for the purposes of rules of the Government, in so far as they are applicable or may be made applicable to the conduct of the business of the University, subject to the additional power that may be delegated by the Board of Governors from time to time;
  - (ix) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the Statutes or Ordinances or as may be delegated to him by the Board of Governors.
- (3) If the post of the Vice-Chancellor remains vacant for any reason, it shall be open to the Chancellor to authorise a senior regular professor in the service of the University or any other appropriate person possessing the qualification provided under sub-section (2) of section 21 to exercise such powers, functions and duties of the Vice-Chancellor during such vacancy.
- (4) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the authority or body of the University empowered under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Vice-Chancellor, it may refer the matter to the Board of Governors which may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effect or, as the case may be, shall take effect in such modified form, and such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor.

- (5) Where the exercise of the power by the Vice-Chancellor under sub-section (4) involves the appointment of any person, such appointment shall be confirmed by the competent authority in the University empowered to approve such appointment in accordance with the provisions of this Act and the Statutes made thereunder, within a period of one year from the date of order of the Vice-Chancellor, otherwise such appointment shall cease to have effect on the expiration of a period of one year from the date of order of the Vice-Chancellor.
- 23. (1) The Campus Directors of the University shall be appointed by the Vice-Chancellor with the approval of the Board of Governors in such manner and on such terms and conditions as may be laid down in the Statutes.

(2) The Campus Directors shall assist the Vice-Chancellor in managing the academic, administrative and other affairs of the campus of University, and shall exercise such powers and perform such functions as may be laid down in the Statutes or entrusted to them by the Vice-Chancellor.

24. (1) The Deans of each School of the University shall be appointed by the Dean. Vice-Chancellor on such terms and conditions as may be laid down in the Statutes.

Campus

- (2) The Deans shall assist the Vice-Chancellor, Executive Registrar and respective Campus Directors in managing the academic and other affairs of the Schools of the University and shall exercise such powers and perform such functions as may be laid down in the Statutes or entrusted to them by the Vice-Chancellor.
- 25. (1) The Executive Registrar shall be appointed by the University in such manner Executive and on such terms and conditions as may be laid down in the Statutes.

Registrar.

- (2) The Executive Registrar shall exercise the following powers and perform the following duties, namely:-
  - (i) be responsible for the custody of records, common seal, the funds and properties of the University;
  - (ii) place before the Board of Governors and other authorities of the University all such information and documents as may be necessary for transaction of its business;
  - (iii) be responsible to the Vice-Chancellor for the proper discharge of his functions;
  - (iv) be responsible for the administration of the University and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
    - (v) attest and execute all documents on behalf of the University;
  - (vi) verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served on the Executive Registrar;
  - (vii) act as the Secretary of the Board of Governors, the Academic Council, the Finance Committee and such committees as may be specified by the Board of Governors;

(viii) exercise such other powers and perform such other duties as may be laid down in the Statutes or as may be delegated to him by the Board of Governors or the Vice-Chancellor.

Finance Officer. 26. The Finance Officer shall be appointed by the University in such manner, on such emoluments and on such other terms and conditions of service and shall exercise such powers and perform such duties as may be laid down in the Statutes.

Other officers

27. The manner of appointment and powers and duties of other officers of the University shall be such as may be laid down in the Statutes.

Finance Committee.

- 28. (1) The Finance Committee shall consist of the following members, namely:—
  - (a) Vice-Chancellor, who shall be the Chairperson of the Committee;
- (b) two members of the Board of Governors, of which one shall be ex officio member to be nominated by the Board of Governors;
  - (c) all Campus Directors;
  - (d) one expert in the field of finance to be nominated by the Board of Governors;
- (e) Dean of any one School of the University, in rotation, as may be nominated by the Board of Governors.
- (2) The Executive Registrar shall be the Secretary of the Finance Committee.
- (3) The term of office of the members nominated under clauses (b), (d) and (e) shall be three years and the said members shall be eligible for renomination.

Powers of Finance Committee.

- 29. Save as otherwise provided in this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:—
  - (a) to examine the annual accounts and annual budget estimates of the University and to advise the Board of Governors thereof;
    - (b) to review from time to time the financial position of the University;
  - (c) to make recommendations to the Board of Governors on all financial policy matters of the University;
  - (d) to make recommendations to the Board of Governors on all proposals involving raising of funds, receipts and expenditure;
    - (e) to provide guidelines for investment of surplus funds;
  - (f) to make recommendations to the Board of Governors on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
  - (g) to examine all proposals relating to the revision of pay scales, upgradation of the pay scales and those items which are not included in the budget prior to placing before the Board of Governors; and
  - (h) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or the Statutes or Ordinances made thereunder.

Board for Affiliation and Recognition.

- 30. (1) The Board for Affiliation and Recognition shall be responsible for admitting colleges and institutions to the privileges of the University.
- (2) The constitution of the Board for Affiliation and Recognition, the term of office of its members and its powers and functions shall be such as may be laid down in the Statutes.

31. The Board of Governors may, by Statutes, declare such other authorities or officers of the University and specify the powers, functions and duties of each such authority or officer, as the case may be.

Other officers of University.

32. For the purpose of enabling the University to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the University, in each financial year, such sums of money in such manner as it may deem fit.

Grants by Central Government.

33. The University may receive such sums of money as grants-in-aid annually or as one-time grant from any State Government.

Grants by State Governments.

#### CHAPTER IV

## ACCOUNTS AND AUDIT

34. The University may receive funds from the Central Government or State Governments or other sources or use its funds to maintain and operate a corpus of the University.

Corpus of University.

35. (1) The University shall maintain a Fund to which shall be credited—

Fund.

- (a) all moneys provided by the Central Government;
- (b) all moneys received from State Governments;
- (c) all fees and other charges received by the University;
- (d) all moneys received by the University by way of grants, gifts, donations, benefactions, bequests or transfers;
  - (e) all interest from corpus, or any other such earnings;
  - (f) any loans taken by the University;
- (g) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and such industry for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and
- (h) all moneys received by the University in any other manner or from any other source.
- (2) All moneys credited to the Fund of the University shall be deposited in such banks or invested in such manner as the University may, with the approval of the Finance Committee, decide.
- (3) The Fund of the University shall be applied towards the expenses of the University including expenditure incurred in the exercise of its powers and discharge of its functions by or under this Act.
- **36.** (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet, in such form and accounting standard as may be specified, by notification, by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and

- (2) The accounts of the University shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by it in connection with such audit shall be payable by it to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the University shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the University.

(4) The accounts of the University as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Pension and provident funds.

- 37. (1) The University may constitute for the benefit of its employees such provident or pension fund or provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be laid down in the Statutes.
- (2) Where any provident fund has been constituted under sub-section (1), the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to 19 of 1925. such fund as if it were a Government provident fund.

#### CHAPTER V

#### ANNUAL REPORT AND APPOINTMENTS

Annual report of University.

- 38. (1) The annual report of the University shall be prepared by the Vice-Chancellor, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and an outcome based assessment of the research being undertaken by it, and be submitted to the Board of Governors on or before such date as may be specified and the Board of Governors shall consider the report in its annual meeting.
- (2) The annual report, as approved by the Board of Governors, shall be published and placed on the website of the University.
- (3) The Vice-Chancellor shall prepare and release for every year a report, in English and in Hindi, the working of the University in the previous year on or before the expiry of nine months from the close of financial year, and a copy of the same, together with an audited statement of accounts showing the income and expenditure for the previous year shall be submitted to the Central Government within that stipulated time, and the same may be caused to be laid before each House of Parliament.

Appointments of officers of University.

- 39. All appointments of the employees of the University, except the Vice-Chancellor, shall be made in accordance with the procedure laid down in the Statutes, by—
  - (a) the Board of Governors, if the appointment is made on the academic staff in the post of Assistant Professor or above, or if the appointment is made on the non-academic staff in any post equivalent to Group 'A' and above, as the case may be;
    - (b) by the Vice-Chancellor, in any other case.

### CHAPTER VI

## STATUTES AND ORDINANCES

Statutes.

- **40.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
  - (a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;
  - (b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
  - (c) the appointment, powers and duties of the officers of the University and their emoluments;
  - (d) the appointment of teachers, academic staff from within the country or from outside the country, and other employees of the University, their emoluments and conditions of service;

- (e) the appointment of teachers and academic staff working in any other
   University or organisation for a specific period for undertaking a joint project;
- (f) the conditions of service of employees including provisions for pension, insurance, provident fund, manner of termination of service and disciplinary action;
- (g) the principles governing the seniority of service of the employees of the University;
- (h) the procedure for arbitration in cases of dispute between employees or students and the University;
- (i) the procedure for appeal to the Board of Governors by any employee or student against the action of any officer or authority of the University;
- (j) the conferment of affiliation to a college or an institution or a Department under the University;
- (k) the establishment and abolition of Schools, departments, centers, halls, colleges and institutions;
  - (I) the conferment of honorary degrees;
- (m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
  - (n) the management of campuses and affiliated colleges by the University;
- (o) the delegation of powers vested in the authorities or officers of the University;
  - (p) the maintenance of discipline among the employees and students; and
- (q) any other matter, which by this Act are to be, or may be, laid down in the Statutes.
- 41. (1) The first Statutes of the University shall be made by the Board of Governors with the prior approval of the Central Government and a copy of the same shall be laid as soon as may be it is made, before each House of Parliament:

Statutes how to be made.

Provided that till such Statutes are made, the provisions of existing regulations of the Gujarat Forensic Sciences University, Gandhinagar shall continue to be applicable:

Provided further that till the Statutes for the administrative functioning of Delhi campus of the University is made, the functions in Delhi campus shall continue in the same manner presently being followed by the Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi.

(2) The Board of Governors may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Board of Governors shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Board of Governors.

- (3) Notwithstanding anything contained in this section, the Central Government may direct the University to make provisions in the Statutes in respect of any matter as it may specify.
- (4) The power to make Statutes shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes or any of them, but no retrospective effect shall be given to any Statute so as to prejudicially affect the interests of any person to whom such Statute may be applicable.

Ordinances.

- **42.** (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—
  - (a) the admission of students to the University and their enrolment as such;
  - (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
    - (c) the medium of instruction and examination;
  - (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
  - (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas to the University;
  - (f) the conditions and institution for award of fellowships, scholarships, studentships, medals and prizes;
  - (g) the conduct of examination including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
    - (h) the conditions of residence of the students of the University;
  - (i) the special arrangements, if any, which may be made for the residence and teaching of women students and the specifying of special courses of studies for them;
  - (j) the establishment of centers of studies, boards of studies, specialised laboratories and other committees;
  - (k) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
  - (1) the setting up of machinery for redressal of grievances of employees and students; and
  - (m) any other matter which by this Act or Statutes, is to be, or may be, specified in the Ordinances.

Ordinances how made.

- 43. (1) Save as otherwise provided in this section, Ordinances shall be made by the Academic Council.
- (2) All Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board of Governors and shall be considered by the Board of Governors at its next succeeding meeting.
- (3) The Board of Governors shall have power by resolution to approve, modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

#### CHAPTER VII

#### TRIBUNAL OF ARBITRATION

Tribunal of Arbitration.

- 44. (1) Every employee of the University shall be appointed under a written contract, which shall be retained by the University and a copy of which shall be given to the employee concerned.
- (2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Board of Governor, one member nominated by the employee concerned and chaired by an umpire appointed by the Central Government.

26 of 1996.

(3) The decision of the Tribunal of Arbitration shall be final and no suit shall lie in any civil court in respect of the matters decided by the said Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

- (4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.
- (5) The procedure for regulating the work of the Tribunal of Arbitration shall be laid down in the Statutes.
- 45. (1) Any student or candidate for an examination whose name has been removed Reducesal for from the rolls of the University by an order or resolution of the Vice-Chancellor and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such order or copy of such resolution by him, appeal to the Board of Governors and the Board of Governors may confirm, modify or reverse the decision of the Vice-Chancellor, as the case may be.

examination disciplinary action against students.

debarment

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 44 shall apply to a reference made under this sub-section.

#### CHAPTER VIII

#### MISCELLANEOUS

46. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Board of Governors for decision.

Disputes as to constitution of authorities and bodies.

- 47. (1) The Central Government may, after previous publication, make rules to carry out the purposes relating to the Board of Governors.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

Power of Central Government to make rules in respect of matters relating to Board of Governors

- (a) the manner of filling vacancies among the members of the Board of Governors;
- (b) the disqualifications for being chosen as, and for being a member of the Board of Governors:
- (c) the circumstances in which, and the authority by which, members may be removed;
- (d) the meetings of the Board of Governors and the procedure for conduct of business:
- (e) the travelling and other allowances payable to members of the Board of Governors; and
  - (f) the manner in which functions of the Board of Governors may be exercised.

Acts and proceeding not to be invalidated by vacancies, etc.

- 48. No act of the Board of Governors or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—
  - (a) any vacancy in, or defect in the constitution thereof; or
  - (b) any defect in the election, nomination or appointment of a person acting as a member thereof; or
    - (c) any irregularity in its procedure not affecting the merits of the case.

University to be a public authority under Right to Information Act. **49.** The provisions of Right to Information Act, 2005 shall apply to the University, as 22 of 2005. it were a public authority defined in clause (h) of section 2 of that Act.

Protection of action taken in good faith. 50. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or Statutes or Ordinances made thereunder.

Power of Central Government to issue directions.

- 51. (1) The University shall, in discharge of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.
- (2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Residuary provision.

- 52. (1) The Board of Governors shall have the authority to deal with any matter pertaining to the University and not specifically dealt with in this Act.
  - (2) The decision of the Board of Governors on all such matters shall be final.

Laying of rules, Statutes, Ordinances and notifications

- 53. (1) Every rule, Statute or Ordinance made and every notification issued under this Act shall be published in the Official Gazette.
- (2) Every rule, Statute or Ordinance made and every notification issued under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, Statute, Ordinance or notification or both Houses agree that the rule, Statute, Ordinance or notification should not be made, the rule, Statute, Ordinance or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, Statute, Ordinance or notification.

Power to remove difficulties. **54.** (I) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

- 55. Notwithstanding anything contained in this Act and the Statutes made thereunder.—
  - (a) the existing Director General of the Gujarat Forensic Sciences University,

Gandhinagar shall be appointed by the Central Government as the first Vice-Chancellor of the University for a period of three years and he shall be eligible for re-appointment for a further period of three years;

- (b) till such time the University constitutes such authorities or committees as may be required under the provisions of this Act, the existing committee or Board in the Gujarat Forensic Sciences University, Gandhinagar shall continue to exercise the respective roles or, as the case may be, till the Board of Governors determine;
- (c) the existing Director of Lok Nayak Jayaprakash Narayan National Institute of Criminology and Forensic Sciences, New Delhi shall be appointed as the Campus Director for Delhi campus of the University till a regular Director is appointed by the University;
- (d) the existing Registrar of the Gujarat Forensic Sciences University, Gandhinagar shall be appointed as the first Executive Registrar of the University, or, as the case may be, till the Board of Governors determine.
- 56. (1) The Gujarat Forensic Sciences University Act, 2008 is hereby repealed.
- (2) Notwithstanding such repeal,—

Repeal of Gujarat Act 17 of 2008.

- (a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done under the Gujarat Forensic Sciences University Act, 2008, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by or under this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and
- (b) all the proceedings of selection committee or any other authority, if any, for the appointment or promotion of teachers and other employees that took place before the commencement of this Act and all actions of the concerned authorities in respect of the recommendations of such selection committee or authority, if any, where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take a decision to the contrary.

DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

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**PR-54** 

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ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 46 ಕೇಶಾಪ್ರ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ:31.03.2021.

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#### असाधारण

#### EXTRAORDINARY

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PART II — Section 1

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NEW DELHI, MONDAY, SEPTEMBER 28, 2020/ASVINA 6, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th September, 2020/Asvina 6, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:—

## THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020

No. 33 of 2020

[28th September, 2020.]

An Act further to amend the Foreign Contribution (Regulation) Act, 2010.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Foreign Contribution (Regulation) Amendment Short ritle Act, 2020.

and

commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

42 of 2010.

2. In section 3 of the Foreign Contribution (Regulation) Act, 2010 (hereinafter referred Amendment to as the principal Act), in sub-section (1),---

of section 3.

- (i) for clause (c), the following clause shall be substituted, namely:-
- "(c) public servant, Judge, Government servant or employee of any corporation or any other body controlled or owned by the Government;";

(ii) for the Explanation, the following Explanations shall be substituted, namely:—

'Explanation 1.—For the purpose of clause (c), "public servant" means a public servant as defined in section 21 of the Indian Penal Code.

45 of 1860.

Explanation 2.—In clause (c) and section 6, the expression "corporation" means a corporation owned or controlled by the Government and includes a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.'.

3. For section 7 of the principal Act, the following section shall be substituted, namely:—

18 of 2013.

Substitution of new section 7.

"7. No person who-

Prohibition to transfer foreign contribution to other person.

- (a) is registered and granted a certificate or has obtained prior permission under this Act; and
  - (b) receives any foreign contribution,

shall transfer such foreign contribution to any other person.".

Amendment of section 8.

4. In section 8 of the principal Act, in sub-section (1), for the words "fifty per cent.", at both the places where they occur, the words "twenty per cent." shall be substituted.

Amendment of section 11.

5. In section 11 of the principal Act, in sub-section (2), in the proviso, for the words, brackets and figures "Provided that if the person referred to in sub-sections (1) and (2) has been found guilty", the following shall be substituted, namely:—

"Provided that the Central Government, on the basis of any information or report, and after holding a summary inquiry, has reason to believe that a person who has been granted prior permission has contravened any of the provisions of this Act, it may, pending any further inquiry, direct that such person shall not utilise the unutilised foreign contribution or receive the remaining portion of foreign contribution which has not been received or, as the case may be, any additional foreign contribution, without prior approval of the Central Government:

Provided further that if the person referred to in sub-section (1) or in this sub-section has been found guilty".

Amendment of section 12.

- 6. In section 12 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—
  - '(IA) Every person who makes an application under sub-section (I) shall be required to open "FCRA Account" in the manner specified in section 17 and mention details of such account in his application.'

Tasertion of new section 12A. 7. After section 12 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to require Aadhaar number, etc., as identification document. "12A. Notwithstanding anything contained in this Act, the Central Government may require that any person who seeks prior permission or prior approval under section 11, or makes an application for grant of certificate under section 12, or, as the case may be, for renewal of certificate under section 16, shall provide as identification document, the Aadhaar number of all its office bearers or Directors or other key functionaries, by whatever name called, issued under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, or a copy of the Passport or Overseas Citizen of India Card, in case of a foreigner."

18 of 2016.

Amendment of section 13.

8. In section 13 of the principal Act, in sub-section (1), for the words "for such period not exceeding one hundred and eighty days as may be specified", the words "for a period of one hundred and eighty days, or such further period, not exceeding one hundred and eighty days, as may be specified" shall be substituted.

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14A

"14A. On a request being made in this behalf, the Central Government may permit any person to surrender the certificate granted under this Act, if, after making such inquiry as it deems fit, it is satisfied that such person has not contravened any of the provisions of this Act, and the management of foreign contribution and asset, if any, created out of such contribution has been vested in the authority as provided in sub-section (I) of section 15.".

Surrender of certificate.

## 10. In section 15 of the principal Act,-

Amendment of section 15.

- (i) in the marginal heading, after the word "cancelled", the words "or surrendered" shall be inserted;
- (ii) in sub-section (1), after the word and figures "section 14", the words, figures and letter "or surrendered under section 14A" shall be inserted.
- 11. In section 16 of the principal Act, in sub-section (1), the following proviso shall be Amendment inserted, namely:-

of section 16.

"Provided that the Central Government may, before renewing the certificate, make such inquiry, as it deems fit, to satisfy itself that such person has fulfilled all conditions specified in sub-section (4) of section 12.".

12. For section 17 of the principal Act, the following section shall be substituted, Substitution of namely:-

new section for section 17.

'17. (1) Every person who has been granted certificate or prior permission under Foreign section 12 shall receive foreign contribution only in an account designated as "FCRA Account" by the bank, which shall be opened by him for the purpose of remittances of foreign contribution in such branch of the State Bank of India at New Delhi, as the Central Government may, by notification, specify in this behalf:

contribution through scheduled

Provided that such person may also open another "FCRA Account" in any of the scheduled bank of his choice for the purpose of keeping or utilising the foreign contribution which has been received from his "FCRA Account" in the specified branch of State Bank of India at New Delhi:

Provided further that such person may also open one or more accounts in one or more scheduled banks of his choice to which he may transfer for utilising any foreign contribution received by him in his "FCRA Account" in the specified branch of the State Bank of India at New Delhi or kept by him in another "FCRA Account" in a scheduled bank of his choice:

Provided also that no funds other than foreign contribution shall be received or deposited in any such account.

- (2) The specified branch of the State Bank of India at New Delhi or the branch of the scheduled bank where the person referred to in sub-section (1) has opened his foreign contribution account or the authorised person in foreign exchange, shall report to such authority as may be specified,--
  - (a) the prescribed amount of foreign remittance;

- (b) the source and manner in which the foreign remittance was received; and
- (c) other particulars,

in such form and manner as may be prescribed.'.

DR. G. NARAYANA RAJU, Secretary to the Govt. of India. ೫೮೧

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಬುಧವಾರ, ೩೧, ಮಾರ್ಚ್, ೨೦೨೧

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ) ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

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